REMARKS/ARGUMENTS

The Examiner has rejected Claims 1 - 18, 21 - 35 and 37 - 39 as being unpatentable over Shibata in view of Schoonman under 35 USC 103. The Examiner has rejected Claims 19, 36 and 40 over Shibata as modified by Schoonman further in view of Hendrixson. Lastly the Examiner has rejected Claim 20 under 35 USC 103 as being unpatentable over Shibata as modified by Schoonman in view of Mazur.

Applicants have amended independent Claims 1, 18, 21 and 34 to overcome these rejections. With regard to Claims 1, 18, 21 and 34, the Examiner has argued, with regard to Shibata, that the gas pushes fluid L from container 20 and that somehow this gas does not mix with the fluid when injected into the tree. Contrary to this interpretation of Shibata, Applicants have pointed out that the gas and fluid in Shibata clearly are mixed and that such mixing is detrimental to the disposition of the fluid in the tree. It is clear that propellant G is delivered from can 2 through pressure regulator 10 and that such propellant, i.e. gas, then passes up through liquid L to pressurize container 20. During the matriculation of gas G through liquid L there is a natural gas exchange, or mixing, that takes place much like the aeration of a pond or the carbonation of a soft drink. This is the first time propellant G is mixed with liquid L being delivered. As the level of liquid L drops in container 20, propellant G is constantly being added to liquid container 20 through regulator 10 to maintain pressure and flow of liquid L to the tree.

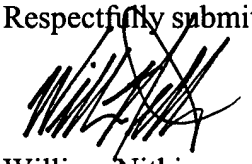
The added gas G bubbles up through liquid L and by default continues to mix with liquid L. After liquid container 20 is emptied of liquid L, propellant G is directly expelled into the tree. This final and total mixing of propellant G and liquid L directly into the vessels of the tree will continue until gas G is completely depleted or the device is removed from the tree. In no way can an assertion be supported that the Shibata device does not mix the gas with the liquid. The Examiner cannot ignore the chemical and physical processes that occur in nature when gases and liquids are mixed. The injection of gas into the plant, as taught by Shibata, causes internal pressure to build up and can prevent much of the fluid from successfully entering the plant.

The amended independent claims 1, 18, 21 and 34 assert that not only does the gas not contact the fluid, but also does not mix with it and that only the fluid is injected into the plant. With this amendment, it is believed that the independent claims are allowable and that the claims dependent thereon are also allowable. The cited art of Shibata and Schoonman, either individually or in combination, does not teach the method and structure as claimed in amended independent Claims 1, 18, 21 and 34. Schoonman teaches a gravity fed device and not one that is pressure-driven. With regard to Claims 19, 36 and 40, Hendrixson adds nothing regarding the claimed features of the independent claims wherein there is no mixing of the fluid with any gas. With regard to Claim 20, rejected in further view of Mazur, it is urged that Claim 20, being dependent on Claim 18, is believed to be allowable for the reasons discussed above.

It is urged that for the reasons discussed above wherein the claimed device and method are distinguished from the cited prior art by the important fact that the injected fluid is separate

from the gas and does not mix therewith. It is requested that the pending claims be allowed and that a Notice of Allowance issue in due course.

Respectfully submitted,



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